

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CATINA PARKER, as Personal Representative  
of the Estate of Leonard Parker, Jr., Deceased**

**PLAINTIFF**

**VERSUS**

**NO.1:21-cv-00217-HSO-BWR**

**The CITY OF GULFPORT, a municipal  
corporation; JASON CUEVAS, in his individual  
and official capacity**

**DEFENDANTS**

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**MOTION OF OFFICER CUEVAS FOR SUMMARY JUDGMENT**

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COMES NOW the Defendant, Jason Cuevas, by and through his counsel of record, Copeland, Cook, Taylor & Bush, P.A., and, pursuant to Rule 56, Fed. R. Civ. P., files his Motion for Summary Judgment, and would show unto the Court the following, to wit:

1.

In this lawsuit, the Plaintiff, Catina Parker, as personal representative of the Estate of Leonard Parker, Jr., has asserted a 42 U.S.C. §1983 claim for excessive force in violation of the Fourth Amendment of the United States Constitution. The events in question occurred in Gulfport, Mississippi during the early morning hours of February 1, 2020 between the Defendant, Jason Cuevas, a police officer of the Gulfport Police Department, and Leonard Parker, Jr. Officer Cuevas contends that while he was attempting to get Parker's attention to stop his truck, both by the use of multiple flashlights and verbal commands, Parker continued to drive towards Officer Cuevas, even after he attempted to get out of the way. When Parker continued towards Officer Cuevas, he felt that his safety was threatened and therefore, fired his service weapon at the driver of the truck. One of the bullets struck Parker and he subsequently passed away.

Officer Cuevas has denied all allegations of excessive force and asserts that he is entitled to qualified immunity on the Section 1983 Claims. Officer Cuevas further asserts he is entitled to a dismissal of any Mississippi Tort Claims Act claims asserted against him in his individual capacity.

2.

The issues in this case boil down to what occurred in the 30 seconds that followed Officer Cuevas' arrival to 25<sup>th</sup> Street. Specifically, the location of Officer Cuevas in relation to Parker's truck at the time the shots were fired and whether Parker's truck was moving in the direction of Officer Cuevas or if it was stopped. Other than perhaps Tremaine Markray, Parker's passenger, no other alleged eye witness can testify as to what Officer Cuevas would have seen from his perspective as these alleged witnesses were standing, more or less, at a right angle to the forward moving truck; i.e., on the front lawn or the front porch of Stephanie Baldwin's house and their view would have been limited to the rear and/or driver's side of Parker's truck. A disinterested witness has testified that she heard the acceleration of a vehicle before the shots were fired. The objective, physical evidence collected at the scene clearly demonstrates that Officer Cuevas was at the front of the truck and the truck was moving at him at the time the shots were fired. Based on the on scene observations of Lt. Brad Garrett, Mississippi Bureau of Investigation, testified that it appeared that Officer Cuevas discharged his weapon from the front of the truck as the bullet holes entered the vehicle through the windshield. Dr. Staci Turner, State Medical Examiner, testified that the bullet path that she viewed on autopsy was consistent with the muzzle of the gun of the officer being located at the front of Parker's vehicle. Based on the forensic evidence collected from the scene and the information learned at autopsy, Officer

Cuevas was clearly in front of a moving truck at the time the shots were fired. This evidence is indisputable, notwithstanding the self-serving, rank denials of these facts by the Plaintiff. Officer Cuevas is entitled to summary judgment on all claims of the Plaintiff.

3.

In addition to the Exhibits previously submitted in Docs. 132 and 134, Officer Cuevas additionally relies upon the following:

19. Excerpts from the deposition of Michelle Desroche, attached as Exhibit "19";
20. Excerpts from the deposition of Dr. Staci Turner, attached as Exhibit "20";
21. Excerpts from the deposition of Lt. Brad Garrett, attached as Exhibit "21"; and,
22. Excerpts from the deposition of Catina Parker, attached as Exhibit "22".

WHEREFORE, PREMISES CONSIDERED, the Defendant Jason Cuevas moves the Court to find that he is entitled to qualified immunity and that he is entitled to a dismissal, with prejudice, of the Plaintiff's claim that he should be held liable in his individual capacity under 42 U.S.C. § 1983 and under the Mississippi Tort Claims Act. This Defendant prays for such other relief to which this Court determines that he is entitled.

Respectfully submitted, this the 28<sup>th</sup> day of February, 2025.

**JASON CUEVAS**

BY: COPELAND, COOK, TAYLOR & BUSH, P.A.

BY: /S/ WILLIAM E. WHITFIELD, III  
Mississippi Bar No. 7161  
/S/ KAARA L. LIND  
Mississippi Bar No. 10604

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**CERTIFICATE OF SERVICE**

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I hereby certify that on February 28, 2025, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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